

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

THOMAS DAGGETT,

Plaintiff,

vs.

YORK COUNTY, WILLIAM KING,
MICHAEL VITIELLO, JOHN DOE 1, JOHN
DOE 2, JOHN DOE 3, CORRECT CARE
SOLUTIONS, LLC, JANE DOE 1, JANE DOE
2, TOWN OF BERWICK, TIMOTHY
TOWNE, OFFICER ELI POORE,

Defendants

Civil No. 18-00303-JAW

ANSWER, AFFIRMATIVE DEFENSES AND JURY TRIAL DEMAND
(DEFENDANTS YORK COUNTY, WILLIAM KING AND MICHAEL
VITIELLO)

Defendants York County, William King and Michael Vitiello, by and through counsel, hereby respond to the Plaintiff's Amended Complaint as follows:

JURISDICTION

1. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

2. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to

the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

3. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

4. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

VENUE

5. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

PARTIES

6. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

7. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

8. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

9. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

10. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

11. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

12. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

13. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

14. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

15. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

16. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

17. The Defendants admit that William L. King, Jr. is Sheriff of York County. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

18. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

19. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

20. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

21. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

22. The Defendants admit that York County is a Maine county and that it is a member of the Maine County Commissioners' Association Self-Funded Risk Pool. The remaining allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

23. The Defendants admit that the York County Jail is a corrections facility located in York County, Maine. The remaining allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

24. The Defendants admit that Michael Vitiello works at the York County Jail and holds the position of Jail Superintendent. The remaining allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

25. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

26. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

27. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

28. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

29. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

30. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

31. The Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

32. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

33. The Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

34. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

35. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

36. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

37. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

38. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

39. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

STATEMENT OF FACTS

40. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

41. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

42. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

43. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

44. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

45. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

46. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

47. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

48. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

49. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

50. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

51. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

52. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

53. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

54. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

55. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

56. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

57. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

58. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

59. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

60. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

61. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

62. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

63. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

64. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

65. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

66. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

67. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

68. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

69. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

70. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

71. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

72. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

73. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

74. The Defendants admit that, in consultation with the Jail medical provider, the Jail declined to accept the Plaintiff unless the medication he required could be supplied. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

75. The Defendants admit that, in consultation with the Jail medical provider, the Jail declined to accept the Plaintiff unless the medication he required could be supplied. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

76. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

77. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

78. The Defendants admit that the Plaintiff was admitted to the York County Jail with medications. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

79. The Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

80. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

81. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

82. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

83. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

84. The Defendants deny any failure to medicate. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

85. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

86. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

87. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

88. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

89. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

90. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

91. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

92. The Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

COUNT I

VIOLATION OF 42 USC § 1985

93. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

94. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

95. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

96. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT II

VIOLATION OF 42 USC § 1983 – DEFENDANT JOHN DOE 3

97. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

98. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is

required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

99. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

100. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

101. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

102. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT III

VIOLATION OF 42 USC § 1983 – DEFENDANTS JOHN DOE 1 AND

JOHN DOE 2

103. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

104. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

105. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

106. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

107. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

108. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT IV

VIOLATION OF 42 USC § 1983 – DEFENDANT CORRECT CARE

SOLUTIONS, LLC

109. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

110. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

111. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

112. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

113. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

114. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is

required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

115. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

116. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT V

VIOLATION OF 42 USC § 1983 – DEFENDANTS JANE DOE 1 AND JANE DOE 2

117. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

118. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

119. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

120. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

121. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

122. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

123. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

124. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT VI

VIOLATION OF 42 USC § 1983 – DEFENDANT WILLIAM KING

125. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

126. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

127. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

128. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

129. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT VII

VIOLATION OF 42 USC § 1983 – DEFENDANT YORK COUNTY

130. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

131. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

132. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

133. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

134. The allegations contained in this paragraph of the Plaintiff's Amended Complaint constitute assertions of law to which no response is required. Alternatively, the Defendants are without sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and, accordingly, deny same.

135. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

136. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

137. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT VIII

VIOLATION OF MAINE CIVIL RIGHTS ACT 5 M.R.S.A. § 4682

138. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

139. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

140. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT IX

CIVIL CONSPIRACY

141. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

142. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

143. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

144. The Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT X

VIOLATION OF 42 USC § 1983 – DEFENDANT POORE FALSE ARREST

145. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

146. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

147. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

148. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

149. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT XI

VIOLATION OF 42 USC § 1983 – DEFENDANT POORE FAILURE TO PROTECT

150. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

151. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is

required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

152. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

153. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

154. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

155. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

156. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

COUNT XII

**VIOLATION OF 42 USC § 1983 – DEFENDANT TOWN OF BERWICK AND
DEFENDANT TOWNE FAILURE TO TRAIN/SUPERVISE**

157. The Defendants hereby repeat and incorporate by reference their responses to the preceding paragraphs of the Plaintiff's Amended Complaint.

158. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

159. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

160. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

161. As the allegations in this paragraph of Plaintiff's Amended Complaint do not pertain to these Defendants, no response is required. To the extent a response is required, the Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

AFFIRMATIVE DEFENSES

1. To the extent that the Plaintiff endeavors to make a state claim grounded in tort, the Defendants reserve the right to demonstrate that the claim is barred by Plaintiff's failure to comply with the notice provisions of the Maine Tort Claims Act, 14 M.R.S. § 8107.

2. To the extent that the Plaintiff endeavors to make a state claim grounded in tort, the claim is barred by the immunity provisions provided to the Defendants by the Maine Tort Claims Act, 14 M.R.S. §§ 8103, 8104-B and 8111.

3. To the extent that the Plaintiff's Amended Complaint seeks to impose liability on the Defendants in a representative capacity, the Complaint fails to state a claim upon which relief may be granted.

4. The Defendants reserve the right to demonstrate that the Plaintiff's own conduct was the sole or a contributing cause of any injuries the Plaintiff sustained.

5. The Plaintiff's claims are barred or reduced based on comparative fault.

6. The Plaintiff's Amended Complaint, in whole or in part, fails to state a claim upon which relief may be granted. M.R.Civ.P. 12(b)(6).

7. The Plaintiff's claims are barred for the reason that the Defendants are not liable under a theory of *respondeat superior* for the actions of agents or employees.

8. The Defendants reserve the right to demonstrate that the Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

9. The Plaintiff's claims are barred, in whole or in part, by the doctrine of immunity.

10. The Plaintiff's claims are barred, in whole or in part, by the doctrine of qualified immunity.

11. The Plaintiff's claims are barred, in whole or in part, by the doctrine of discretionary function immunity.

12. The Plaintiff's claims are barred, in whole or in part, by the doctrine of privilege.

13. The Defendants reserve the right to demonstrate that the Plaintiff has failed to mitigate his damages.

14. To the extent the Plaintiff's alleged injuries result from conditions that pre-existed the events alleged in the Complaint, the Defendants cannot be held liable for the alleged damages associated with those alleged injuries.

15. The Plaintiff's Amended Complaint, in whole or in part, fails to state justiciable claims.

16. The Plaintiff's claims are subject to the damage caps set forth in the Maine Tort Claims Act.

17. The Defendants have at all times acted in good faith and without knowledge that their conduct violated any clearly established constitutional or statutory rights of the Plaintiff.

18. The Defendants' conduct did not violate any clearly established constitutional or statutory rights of the Plaintiff.

19. No reasonable person would have known that the Defendants' conduct violated any clearly established constitutional or statutory rights of the Plaintiff.

20. The Plaintiff's claims are barred for the reason that the Defendants' actions do not constitute deliberate indifference or conduct which is shocking to the conscience.

21. The Plaintiff's claims are barred for the reason that the allegations in the Complaint allege simple negligence and the conduct complained of is not the type contemplated under 42 U.S.C. § 1983.

22. To the extent the Plaintiff asserts claims against York County pursuant to 42 U.S.C. § 1983, the claims fail as a matter of law because there was no policy or custom that was the moving force behind the alleged violations.

23. To the extent that the Plaintiff seeks injunctive or declaratory relief, the Plaintiff has no standing.

24. The Plaintiff has adequate remedies under State law, and therefore no action lies under 42 U.S.C. § 1983 in the Maine Constitution or the United States Constitution.

25. The Defendants reserve the right to demonstrate that the Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(e).

JURY DEMAND

Pursuant to Local Rule 38 and Federal Rule of Civil Procedure 38(b), the Defendants request a trial by jury on all claims and issues properly tried to a jury.

WHEREFORE, Defendants York County, William King and Michael Vitiello demand judgment in their favor with regard to all Counts of the Plaintiff's Amended

Complaint, including an award of costs and attorneys' fees, if appropriate, and such other relief as the Court deems just.

Dated at Portland, Maine this 5th day of October, 2018.

Attorneys for Defendants York County, William King
and Michael Vitiello
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(207) 774-3906
BY: /s/ John J. Wall, III
John J. Wall, III

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2018, I electronically filed **Answer and Affirmative Defenses and Jury Trial Demand (Defendants York County, William King and Michael Vitiello)** using the CM/ECF system, which will provide notice to me and to all other counsel of record.

Dated at Portland, Maine this 5th day of October, 2018.

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